

REGULATIONS ON POLYCHLORINATED BIPHENYLS (PCBs)
(REGLEMENT SUR LES BIPHENYLES POLYCHLORES (BPC))

Interpretation

1. In these Regulations,

"Act" means the *Canadian Environmental Protection Act, 1999; (Loi)*

"container" means any package, can, drum, tank or receptacle, and includes shipping container; (*réceptacle*)

"electrical transformer" includes an assembly that consists of a transformer and a rectifier that are installed in a common enclosure; (*transformateur électrique*)

"PCB equipment" means any equipment, machinery or similar manufactured item and includes electrical transformer, sealed electrical transformer, capacitor, electrical switchgear, electromagnet, heat transfer equipment, hydraulic equipment, vapour diffusion pump, bridge bearings and light ballasts that contains PCB material; (*équipement aux BPC*)

"Polychlorinated biphenyls or PCBs" means any chlorobiphenyl referred to in item 1 of the List of Toxic Substances set out in Schedule I to the Act; (*BPC*)

"PCB liquid" means a liquid that contains PCBs at a concentration greater than 50 mg/kg; (*liquide contenant des BPC*)

"PCB material" means any PCB liquid, PCB product, PCB solid or PCB substance; (*matériel contenant des BPC*)

"PCB product" means a manufactured item that contains PCBs at a concentration greater than 50 mg/kg but does not include a PCB liquid or PCB solid; (*produit contenant des BPC*)

"PCB solid" means a solid that contains PCBs at a concentration greater 50 mg/kg; (*solide contenant des BPC*)

"PCB substance" means a substance that contains PCBs at a concentration greater than 50 mg/kg but does not include a PCB liquid, PCB product or PCB solid; (*substance contenant des BPC*)

"sealed electrical transformer" means an electrical transformer that has been fusion sealed and would be rendered inoperable and unrepairable if a sample of dielectric fluid were taken from it; (*transformateur scellé*)

"sensitive location" means

(a) a school up to and including the secondary level, hospital, and senior citizen care home, and includes the lesser of the area of land within the property line of the property on which the building is located or an area of land within 100 m of the building; and

(b) a drinking water treatment plant, food processing site and feed processing site where PCB equipment is in such a location that a release of PCBs or PCB material result or may result in contamination of the drinking water, food or feed.
(*endroit névralgique*)

"shipping container" means a structure for transporting commodities on trucks, railcars or ships that meets the requirements set out in the *Safe Containers Convention Act*.
(*conteneur*)

Part 1 Polychlorinated Biphenyls (PCBs)

Application

2. Subject to section 3, these Regulations do not apply in respect of:

(1) the manufacture, processing, sale, use, import or export of PCBs for use as laboratory analytical reference materials, or in environmental or health testing (excluding waste sample analysis) which is authorized under the applicable Canadian law;

(2) the disposal of PCB solid or PCB product into a landfill site that is regulated under the applicable Canadian law.

Prohibitions

3. (1) No person shall release into the environment PCB material or PCB equipment.

(2) No person shall release to the environment any liquid that contains PCBs at a concentration greater than the limit of quantification (LOQ) of PCBs in the liquid, referred to in Schedule I.

4. (1) Subject to subsection (3), no person shall process, sell, use or export PCB material or PCB equipment.

(2) Subject to subsection (3), no person shall manufacture or import

(a) PCBs or any manufactured item, including liquids, containing PCBs at a concentration greater than 2 mg/kg, except for colouring pigment that adventitiously contains PCBs at a concentration smaller than 25mg/kg; or

(b) any equipment that contains a manufactured item referred to in paragraph (a).

(3) A person may process, sell or import of PCBs, PCB material or any PCB equipment for destruction, recycling or use in any machinery, equipment, facility or process that destroys PCBs and that is authorized to do so under the applicable Canadian law.

5. Section 4 is not applicable in respect of:

(1) the sale of any PCB material or any PCB equipment, where

(a) the PCB material or the PCB equipment is stored in accordance with the *Storage of PCB Material Regulations* or, where an order has been made under subsection 10(3) of the Act, in accordance with the applicable provincial regulations and

(b) the storage site is part of a property that is sold and that is significantly larger than the storage site;

(2) the sale or use of any manufactured item that has a capacitor or sealed electrical transformer that

(a) contains less than 500 g of PCBs, and

(b) is an integral part, and is necessary for the operation, of the manufactured item;

(3) the sale of any equipment referred to in subsection 8(1) that

(a) contains PCB material;

(b) is an integral part, and is necessary for the operation, of a building, plant, aircraft, ship or other structure that is sold.

(4) the use of any cable containing PCB material, that was in use and was buried or submerged before the coming into force of these Regulations and remains in use and buried or submerged continuously after the coming into force of these Regulations;

6. (1) No person shall mix or dilute PCBs or PCB material with any other substance.

(2) The prohibition in subsection (1) does not apply where the mixing or the dilution is required to improve the treatment or the destruction and it is done at the treatment or destruction site.

7. Despite section 4 and subject to section 8, a person may use PCBs or PCB liquids as

(a) dielectric fluid in capacitors and electrical transformers that existed in Canada before the coming into force of these Regulations, or

(b) one of the following, where the equipment was designed to use PCBs or contains PCB liquid and was in use in Canada before the coming into force of these Regulations,

- (i) dielectric fluid in electromagnets, except those used in the handling of food, feed or any additive to food or feed,
- (ii) heat transfer fluid in heat transfer equipment,
- (iii) hydraulic fluid in hydraulic equipment,
- (iv) vacuum oil in vapour diffusion pumps, or
- (i) lubricating oil in bridge bearings.

8. (1) No person shall use PCBs or PCB liquids

(a) to top up fluid in electrical transformers, electromagnets, heat transfer equipment, hydraulic equipment, or vapour diffusion pumps or bridge bearings; or

(b) to serve as a replacement fluid in electrical transformers, electromagnets, heat transfer equipment, hydraulic equipment, or vapour diffusion pumps or bridge bearings.

(2) Subsection (1) is not applicable with respect to dielectric fluid that contains PCBs in concentration greater than 50 mg/kg and is removed temporarily from an electrical transformer or electromagnet to allow servicing or maintenance thereof.

9. A PCB equipment, a PCB liquid or a container emptied from its content of PCB material that is treated to reduce the concentration of PCBs for its reuse in its original form, must be treated to a concentration of PCBs of:

a) 0.5 mg/kg or less on a weight basis, or

b) 10 ug/100 cm² as a surface concentration measured in accordance with the methods set out in the *PCB Transformer Decontamination Standards and Protocols*, Canadian Council of Ministers of the Environment Report CCME EPC-HW-105E, December 1995, as amended from time to time.

10. (1) No person shall abandon cables that contain PCBs or PCB material.

(2) Following a verification by an enforcement officer in the region where the cable is located that the conditions in paragraphs (a) or (b) are met, subsection (1) does not apply when the site location of the cable containing PCBs or PCB material make the removal of the cable impractical for one of the following reasons:

(a) the removal of the cable would put in danger the integrity of a structure or of one portion of it which is necessary for the operation of the structure or

(b) the removal of the cable would prevent the operation of a facility which provides necessary public services

(3) Subsection (2) is conditional to the sealing of the cable to prevent any releases of PCBs or PCB material, to on-site identification of the cable, to monitoring of the cable's and seal's integrity and to the reporting to the minister of a signed report containing the information on this PCB material as requested in sections 16 and 17.

11. (1) No person shall use or sale PCBs, PCB material or PCB equipment, including light ballasts, after December 31, 2007.

(2) Subsection (1) does not apply to subsections 4(3) and 5(1).

12. Effective one year after the coming into force of these Regulations, no person shall use or store, in a sensitive location, PCBs, PCB material or PCB equipment except for light ballasts.

Labelling Requirements

13. Sections 14 and 15 do not apply to PCB equipment or containers of PCB material or PCB equipment already stored in compliance with the Storage of PCB material Regulations.

14. (1) The owner or the operator of a capacitor or sealed electrical transformer that contains 500 g or more of PCBs that is in use or kept for future use shall affix, and keep affixed, to the capacitor or sealed electrical transformer a black and white label that is in the form illustrated in Figure 1 of Schedule II, measures at least 76 mm by 76 mm and bears a registration number provided by the Minister under section 15.

(2) Subject to subsection (3), every owner or operator of PCB equipment or containers of PCB material or PCB equipment other than a capacitor or sealed electrical transformer referred to in subsection (1) and containing 500 g or more of PCBs shall

(a) affix, and keep affixed, to the PCB equipment or container of PCB material or PCB equipment a black and white label that is in the form illustrated in figure 2 of Schedule II, measures at least 150 mm by 150 mm and bears a registration number provided by the Minister under section 15; or

(b) in the case where the PCB equipment has been decontaminated and is a non-PCB equipment, affix besides the label referred to in paragraph (a), and keep affixed, to the decontaminated equipment a black and white label in the form illustrated in figure 3 of Schedule II, measures at least 150 mm by 150 mm and bears a registration number provided by the Minister under section 15.

(3) The owner or the operator of a container that is used to hold temporarily PCB liquid that has been removed from an electrical transformer or electromagnet to facilitate repair or servicing of the transformer or electromagnet shall affix, until the PCB liquid is removed, to the container a label which bears a registration number provided by the Minister under section 15 and that

(a) is in the form illustrated in figure 4 of Schedule II, and measures at least 150 mm by 150 mm; or

(b) indicates the presence of PCBs and measures approximately 150 mm by 150 mm.

(4) Subsections (1) and (2) do not apply where the owner or the operator of a PCB equipment or a container of PCB material or PCB equipment

(a) demonstrates to the Minister that, on the coming into force of these Regulations, a label was affixed to the PCB equipment or the container of PCB material or PCB equipment in a manner that

(i) indicates the presence of PCBs,

(ii) that bears a code either numerical or alphanumerical that uniquely identifies the PCB equipment or the container of PCB material or PCB equipment; and

(b) keeps the label affixed to the PCB equipment or container of PCB material or PCB equipment and communicate the code to the Minister.

15. Upon a request by the owner or the operator referred to in subsections 14(1) to 14(3), the Minister shall provide the owner or the operator with a registration number for the purposes of subsections 14(1) to 14(3).

Submission of Information in respect of PCB material or PCB equipment

16. (1) Subject to section 19, the owner or the operator of PCB material or of a capacitor or sealed electrical transformer that contains 500 gr or more of PCBs or any other PCB equipment shall, within 120 days after the coming into force of these Regulations, submit to the Minister a signed report in the form set out in Schedule II, containing the information respecting the PCB material or PCB equipment of the owner or operator.

(2) The report shall be submitted to the Minister in care of the Regional Director, Environmental Protection, Environment Canada, for the region in which the PCB material or the PCB equipment is located, at the address of the Regional Director for that region as set out in Schedule IV.

17. (1) Subject to section 19, the owner or the operator of PCB material or PCB equipment shall submit to the Minister a signed report in the form set out in Schedule III containing any change in the information previously submitted to the Minister respecting the PCB material or the PCB equipment within 30 days of the change, including any change in

(a) the name or address of the owner or the operator; and

(b) the location and the status of the PCB material or PCB equipment.

(2) Any change in the information shall be submitted to the Minister in care of the Regional Director, Environmental Protection, Environment Canada, for the region in which the PCB material or PCB equipment is located, at the address of the Regional Director for that region as set out in Schedule IV.

18. Every owner or operator of PCB material or PCB equipment shall retain a record of all the information the owner or the operator is required to gather under these Regulations with respect to a PCB material or a PCB equipment for not less than 5 years after the PCB material or the PCB equipment is taken out of use.

19. Sections 16 and 17 do not apply to the Department of National Defence in respect of PCB items that form an integral part of tactical equipment.

Reporting Information Respecting Releases of PCBs

20. For the purposes of paragraph 95(1)(a) and subsection 95(3) of the Act, the persons referred to in Schedule V shall as soon as possible

(a) make an oral report to an enforcement officer of Environmental Protection, Environment Canada, in the region in which the release occurred, that contains the information specified in items 1 to 3, 5 to 8, 12 and 17 of Schedule V; and

(b) provide a report in writing to an enforcement officer of Environmental Protection, Environment Canada, in the region in which the release occurred, at the address of the Regional Director for that region as set out in Schedule IV, in the form set out in Schedule V, within 7 days after the oral report is made.

Analysis

21. (1) In determining the concentration of PCBs where required by these Regulations, a person shall use the *Reference Method for the Analysis of Polychlorinated Biphenyls (PCBs)*, Department of the Environment, Report EPS 1/RM/31, as amended from time to time.

(2) In determining the concentrations of PCBs using the method referred to in subsection (1) a person shall perform the determination in a laboratory that is

accredited to ISO Guide 25::1990 *General Requirements for the Competence of Calibration and Testing Laboratories* as amended from time to time or CAN-P-4C *General Requirements for the Competence of Calibration and Testing Laboratories*.

Part 2 Consequential Amendments and Repeal

22. The Chlorobiphenyls Regulations are repealed.

1. The Storage of PCB Material Regulations are amended by adding at the end of 3(2): “as part of its normal operating procedure but not for decommissioning purposes”

2. The Storage of PCB Material Regulations are amended by adding the following after section 4:

- 4.1 (1) Subject to subsection 2, no person shall store any PCB material more than a year before their removal from the storage site for their destruction.
(2) PCB material in storage before the coming into force of these regulations must be disposed of by December 31, 2009.

25. The Storage of PCB Material Regulations are amended by repealing subsection 7(1).

26. The Storage of PCB Material Regulations are amended by replacing subsection 7(2) by the following:

7. In determining the concentration of PCBs in any substance referred to in these Regulations, a person shall use the *Reference Method for the Analysis of Polychlorinated Biphenyls (PCBs)*, Department of the Environment, Report EPS 1/RM/31, as amended from time to time.

27. The Storage of PCB Material Regulations are amended by replacing subparagraph 13(b) (i) by the following:

13.(b)(i) the address or location from which the PCB material was received (including the site of origin and any transfer site with the quantity of PCB material from each site and in the case of an import, the import notification documents)

28. The Storage of PCB Material Regulations are amended by replacing subparagraph 13(c) (i) by the following:

13.(c)(i) the final destination of the PCB material and any transfer site with the quantity of PCB material being decontaminated, recycled or destroyed at each transfer site and at the final destination.

29. The Storage of PCB Material Regulations are amended by adding the definition of “PCB equipment” in Section 2:

"PCB equipment" means any equipment, machinery or similar manufactured item and includes electrical transformer, sealed electrical transformer, capacitor, electrical switchgear, electromagnet, heat transfer equipment, hydraulic equipment, vapour diffusion pump, light ballasts and bridge bearings that contains PCB material;
(*,équipement aux BPC*)

30. The Storage of PCB Material Regulations are amended by replacing the definition of “PCB material” in Section 2 by:

"PCB material" means any PCB liquid, PCB product, PCB solid or PCB substance;
(*matériel contenant des BPC*)

31. The Storage of PCB Material Regulations are amended by replacing the definition of “PCB product” in Section 2 by:

"PCB product" means a manufactured item that contains PCBs at a concentration greater than 50 mg/kg but does not include a PCB liquid or PCB solid; (*produit contenant des BPC*)

32. The Storage of PCB Material Regulations are amended by replacing the definition of “PCB substance” in Section 2:

"PCB substance" means a substance that contains PCBs at a concentration greater than 50 mg/kg but does not include a PCB liquid, PCB product or PCB solid;
(*substance contenant des BPC*)

Coming into force

33. These Regulations come into force on the day on which they are registered.

SCHEDULE I
(Subsection 3(2))

LIMITS OF QUANTIFICATION (LOQ)

PCBs in Oil or Non-aqueous Liquids	400.0 ng/ml
PCBs in Water/Wastewater	0.1 ng/ml

SCHEDULE II - Continued

Figure 2

*SCHEDULE II - Continued**Figure 3*

THIS TRANSFORMER IS A FORMER PCB UNIT WHICH HAS BEEN DECONTAMINATED	CE TRANSFORMATEUR EST UN ANCIEN APPAREIL CONTENANT DES BPC QUI A ETE DECONTAMINE
THIS STICKER CERTIFIES THAT THE PCB CONTENT MEASURED IN THIS UNIT IS LESS THAN 50 PPM AND THAT IT IS A NON-PCB TRANSFORMER.	CETTE ETIQUETTE ATTESTE QUE LE CONTENU DE BPC MESURE DANS CET APPAREIL EST INFERIEUR A 50 PPM ET QU'IL N'EST PLUS UN TRANSFORMATEUR CONTENANT DES BPC.
THE DISPOSAL OF THIS UNIT SHALL BE PERFORMED IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN THE CCME DOCUMENT "PCB TRANSFORMER DECONTAMINATION - STANDARDS AND PROTOCOLS" EPC-HW 105E (DECEMBER 1995)	LA MISE AU REBUT DE CET APPAREIL DOIT ETRE EFFECTUEE SELON LES REGLES MENTIONNEES DANS LE DOCUMENT DU CCME "DECONTAMINATION DES TRANSFORMATEURS AUX BPC - NORMES ET PROTOCOLES" EPC- HW-105E (DECEMBRE, 1995)
OR 26900	

SCHEDULE II - Concluded

Figure 4

SCHEDULE III
(Section 16)

INFORMATION REQUIREMENTS
IN RESPECT OF A
PCB MATERIAL OR PCB EQUIPMENT

1. Identification of the owner/manager and the date of any change

Owner's name:
Address

City:
Province:
Postal code:
Date:

Manager's name if applicable:
Address:

City:
Province:
Postal Code:
Date:

2. a) Location of PCB material or PCB equipment as per the status mentioned in point 6 of this schedule (include street address if applicable):

b) Type of sensitive site as indicated in section 2 of the Regulations:

3. Name of individual or individuals who may be contacted in respect of the PCB material or PCB equipment and the date of any change:

Title (of each individual):
Telephone number (of each individual):
Fax number (of each individual):
E-mail (of each individual):
Date:

4. Label registration number or label identifier, where applicable (see paragraph 14(4)(a) of the Regulations):

5. Description of PCB material or PCB equipment:

- electrical transformer
- capacitor
- container of PCB material
- container of PCB equipment

SCHEDULE III - Continued

-other PCB equipment (please describe):

-other PCB material (please describe):

6. Status of PCB material or PCB equipment and the date of any change of this status:

STATUS

DATE

-in use:

-out of use temporarily;

-for the sale of structure:

-for normal operating
procedures:

-kept for future use:

-decontaminated/treated:

-destroyed:

-recycled:

7. Quantity of PCB or PCB material in the PCB equipment or the container of PCB material or PCB equipment:

net weightkg or volume.....L

____ of PCB

____ of PCB material

Where neither the weight nor the volume of the contents is available, please state the gross weight of the PCB equipment or the container of PCB material or PCB equipment
.....kg

8. a) PCB type (askarel or contaminated mineral oil):

b) PCB concentration, if known:mg/kg

9. Name of manufacturer of PCB equipment or the container of PCB equipment:

.....

10. Manufacturer's serial number and date , if available:

11. Comments, if any: _____

Signature

Date of Report

SCHEDULE IV
(Sections 16 and 17)

REGIONAL OFFICES, ENVIRONMENTAL PROTECTION
ENVIRONMENT CANADA

Regional Director
Atlantic Region
Environmental Protection
Environment Canada
45 Alderney Drive
Dartmouth, Nova Scotia
B2Y 2N6

Regional Director
Quebec Region
Environmental Protection
Environment Canada
105 Mc Gill, 4ième étage
Montreal, Quebec
H2Y 2E7

Regional Director
Ontario Region
Environmental Protection
Environment Canada
25 St. Clair Avenue East, 7th Floor
Toronto, Ontario
M4T 1M2

Regional Director
Prairie and Northern Region
Environmental Protection
Environment Canada
Twin Atria No. 2
4999-98th Avenue, 2nd Floor
Edmonton, Alberta
T6B 2X3

Regional Director
Pacific and Yukon Region
Environmental Protection
Environment Canada
224 West Esplanade
North Vancouver, British Columbia
V7M 3H7

SCHEDULE V
(Section 20)

REPORT OF RELEASES OR LIKELY RELEASES OF PCBs INTO THE
ENVIRONMENT UNDER SECTION 95 OF THE CANADIAN ENVIRONMENTAL
PROTECTION ACT

1. (1) Name of the person who

(a) owns or has charge of the PCBs immediately before the initial release or likely initial release of the PCBs into the environment, or

(b) causes or contributes to the initial release or increases the likelihood of the initial release:

(2) Name of the person whose property is affected by the release

(3) Addresses (in respect of subitems (1) and (2) :

(4) Name and telephone number of individual who may be contacted in respect of subitems (1) and (2) :

2. Location(s) of the release or likely release or of the property that is affected (if not the same as address in subitem 1(3)):

3. Source(s) of the release or likely release (identify the PCB item):

4. Cause(s) of the release or likely release:_____

5. Date of the release or likely release:_____

6. Time of the release or likely release:_____

7. Duration of the release or likely release:_____

SCHEDULE V - Continued

8. Nature of the release or likely release:_____
- _____
9. Quantity of PCBs released or likely to be released:_____
10. Quantity of PCB material released or likely to be released:
- _____
11. Concentration of the PCBs released or likely to be released:
- _____
12. If a PCB item is involved, please state the label identifier, where applicable (see paragraph 14(4)(a) of the Regulations):
- _____
13. Type of environment affected (for example, marine water, freshwater, land, atmosphere):
- _____
14. Describe the corrective measures taken under paragraph 95(1)(b) of the *Canadian Environmental Protection Act (1999)*:
- _____
15. Describe the preventative measures taken under paragraph 95(1)(b) of the *Canadian Environmental Protection Act (1999)*:
- _____
16. Was any member of the public who may be adversely affected by the release or likely release notified as required under paragraph 95(1)(c) of the *Canadian Environmental Protection Act (1999)*?

Yes ___ ¾€

No €__Ž

SCHEDULE V - Concluded

17. (1) Name of the individual making this report:_____

(2) Title:_____

(3) Address:_____

(4) Telephone Number:_____

Signature

Date of report